IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
WRIT PETITION NO : 18497 of 1994

Between:

1 P.M. Yohan S/o. P.M. Thippanna
R/o. Yemmiganur.
2 P. Varaprasad Kumar S/o. P. Devadass
R/o. Yemmiganur.
3 S. Satyanarayana S/o. S. Venkatapathi
R/o. Yemmiganur.
4 M. Vahilaiah S/o. H.M. Chenna Basaiah
R/o. Yemmiganur.
5 A. Mukkaranna S/o. A.Mareppa
R/o. Yemmiganur.
6 K. Sunkamma W/o. K.Purusotham
R/o. Yemmiganur.
7 P. Subbadramma W/o. M.S. Rangaiah
R/o. Yemmiganur.
8 N. Subbamma W/o. G. Jashuva
R/o. Yemmiganur.
9 B. Suseelamma W/o. A.T. Sundera Raju
R/o. Yemmiganur.
10 P. Thimmappa S/o. P. Peddaiah
R/o. Yemmiganur.
11 Y. Gurudas S/o. Y. Thirupal Das
R/o. Yemmiganur.
12 M. Malleswari W/o. B. Meganath
R/o. Yemmiganur.
13 K. Malleshappa S/o. K. Sannappa
R/o. Yemmiganur.
14 H.M. Vahila Reddy S/o. H.M. Sarabharadhya
R/o. Yemmiganur.
15 M. Narasanna S/o. M. Somanna
R/o. Yemmiganur.
16 S. Mary Elizebeth Rani W/o. Panduranga Swamy
R/o. Yemmiganur.
17 B. Krupa W/o. Kopresha Chari
R/o. Yemmiganur.

18 S. Devamani W/o. S. Exanna
R/o. Yemmiganur.
19 M. Siromani W/o. B. R. Purushotham
R/o. Yemmiganur.
20 Vasantha Raju S/o. S. Narasappa
R/o. Yemmiganur.
21 A. Sarojamma W/o. K. Prasad
R/o. Yemmiganur.
22 B. N. Mariyamma W/o. P. Yohan
R/o. Yemmiganur.
23 K. Vijayalaxmi W/o. K. Urukunda Chari
R/o. Yemmiganur.
24 R. Hannamma W/o. P. Aseervadam
R/o. Yemmiganur.
25 M. Jaslin W/o. William
R/o. Yemmiganur.
26 M.Hanumakka W/o. M. Devavaram
R/o. Yemmiganur.
27 N. Sudershanam S/o. N. Alfred
R/o. Yemmiganur.
28 V. Padmavathamma W/o. Salman Raju
R/o. Yemmiganur.
29 K. Narasamma W/o. B. Nagaraju
R/o. Yemmiganur.
30 B.Santhoshamma W/o. S. Mathaiah
R/o. Yemmiganur.
31 Ch. B. Venkataiah S/o. Ch. Pullanna
R/o. Yemmiganur.
32 B. Marthamma W/o. M. Narasanna
R/o. Yemmiganur.
33 A. Aranjyothi D/o. A. Devaputra
R/o. Yemmiganur.
34 C. Thippamma W/o. Rangaswamy
R/o. Yemmiganur.
35 P. Suryanarayana Reddy S/o. Sivarama Reddy
R/o. Yemmiganur.
36 P. Sowbhayagamma W/o. P. Satyanna
R/o. Yemmiganur.
37 N.Suvarthamma W/o. Vasantha Raju
R/o. Yemmiganur.
38 G. Saramma W/o. B. Devid
R/o. Yemmiganur.
39 A. Suvaranamma W/o. P. Syama Rao
R/o. Yemmiganur.
40 B. Charless S/o. Jacob

R/o. Yemmiganur.

41 M. Syamalamma W/o. P. Nagabhushanam
R/o. Yemmiganur.

42 J. Mukkaranna S/o. J. Badesab
R/o. Yemmiganur.

43 A. Lukaiah S/o. A. Ruben
R/o. Yemmiganur.

44 P. Mariyamma W/o. P. Isseak
R/o. Yemmiganur.

45 S. Jayaseelamma W/o. P.S. Amuel
R/o. Yemmiganur.

46 J. Rosaiah S/o. J. Rangaiah
R/o. Yemmiganur.

47 S. Ranganna S/o. Yellappa
R/o. Yemmiganur.

48 K. Sakuntalamma W/o. S. Devapal Raju
R/o. Yemmiganur.

49 B.Saradamma W/o. S.K. Rama Rao
R/o. Yemmiganur.

50 R. Maryamma W/o. B. Charless
R/o. Yemmiganur.

51 B. Hussain Peera S/o. Nabi Sahib
R/o. Yemmiganur.

52 T. A. Sattar S/o. T.A. Haq
R/o. Yemmiganur.

53 N. Mahadevamma W/o. M. Buddanna
R/o. Yemmiganur.

54 P. Aseervadamma W/o. K. Nagabhushanam
R/o. Yemmiganur.

55 M. Grece Vailet W/o. P. Thimmappa
R/o. Yemmiganur.

56 S. Elizebrthamma W/o. Ramaanjeyulu
R/o. Yemmiganur.

57 S. Badulla S/o. Sheik Saheb
R/o. Yemmiganur.

58 B. Ramasubbamma D/o. B. Sheshachalam
R/o. Yemmiganur.

59 B.A.Devamma W/o. P. Hanumanthappa
R/o. Yemmiganur.

60 M. Manjulatha W/o. Ramakoti Reddy
R/o. Yemmiganur.

61 B. David S/o. Raja Rathanam
R/o. Yemmiganur.

62 P.M. Suvarthamma W/o. M. Prasad
R/o. Yemmiganur.

63 A. Ningamma W/o. K.C. Rajanna
R/o. Yemmiganur.
64 P. Noorunnisa Begum D/o. P. Khaja Hussain
R/o. Yemmiganur.
65 Masarath Unnisa W/o. S. Jameel Ahmad
R/o. Yemmiganur.
66 Banubi W/o. Noor Ahmed
R/o. Yemmiganur.
67 Shamsaad Begum W/o. T. Shafeeq Ahmed
R/o. Yemmiganur.
68 Naimi Khatoom W/o. Abdus Salam
R/o. Yemmiganur.
69 Nazneen Begum W/o. M. Muneer Ahmed
R/o. Yemmiganur.
70 S. Shaikunbi W/o. L. Masoomvali
R/o. Yemmiganur.

..... PETITIONERS

AND

1 Yemmiganur Municipality Rep. by its Special Officer
Yemmiganur, Kurnool District.
2 Govt,. of A.P. Rep. by its Secretary (Housing Municipal Admn & Urban
Development (G) Dept, Hyderabad.
3 AP Veeranna
4 G. Sreenivasulu
5 M. Mallikarjuna
6 M. Bala Sowri
7 P. Sundara Raju
Respondents 3 to 7 are impleaded as per court order dated 14.7.95 in WPMP 26795/94.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order direction or a writ particularly one in the nature of a writ of Mandamus directing the respondent to take over the Administration of elementary educational institutions within the Municipal limits of Yemmiganur Municipality and to carry on the repairs of the all the elementary school buildings, expansion and construction of school buildings for better Administration of

elementary schools situated within limits of Yemmiganur Municipality.

Advocate for the Petitioners: MR.RAGHAVARAO KOKA

For the Respondent No.1: Sri R.V.Chalapathi, S.C. for Municipalities

For the Respondent No.2: GP FOR MUNCIPAL ADMN. & URBAN DEV.

For the Respondent Nos.3 to 7: Sri R.Venkataramudu.

The Court made the following :

O R D E R :

The petitioners are seeking a direction against the respondents to take over the administration of elementary educational institutions within the Municipal Limits of Yemmiganur and consequently, carry out the repairs to the elementary school buildings expansion and construction of school buildings for better administration of the elementary schools situated within the limits of the said Municipality.

The Writ Petition was opposed by the respondents stating that Yemmiganur Municipality was constituted in 1965 and upgraded as secondary grade Municipality in the year 1985. By G.O.Ms.No.503 Municipal Administration Dept., dated 5.12.1985 (for short "G.O.No.503") the Government of Andhra Pradesh directed

the Municipality to take over all elementary schools under the control of the Panchayat Samithis, but in telegram dated 24.12.1985 the Government issued orders keeping in abeyance G.O.No.503. After the said telegram dated 24.12.1985, there has been no sufficient progrerss and thus, G.O.No.503 remained in abeyance. The responsibility of developing school buildings vests in the panchayat samithis as the schools are under their control and it has not been taken over by the Municipality. Municipality, in fact, vide resolution no.400 dated 28.5.1982, has resolved not to take over the schools in view of the poor financial position. Another Writ Petition No.15200 of 1985 was filed in this court against the telegraphic order dated 24.12.1985 of the Government, which was dismissed on 21.4.1987 with the observation that since the impugned telegram conveys only interim orders issued by the Government and not final orders, it is open for the petitioners to approach the Government for withdrawal of the said order. The teachers' Writ Petition questioning G.O.Ms.No.503 was also dismissed.

The learned counsel for petitioners states that by passage of time, Municipality has since been upgraded.

After hearing the counsel for the petitioners, I am

of the view that no relief can be granted to the petitioners in this Writ Petition except by directing that in case a fresh representation is filed by the petitioners to the respondents, the said representation will be duly considered within 4 months from the date of filing of the representation, if any, by the respondents.

Ordered accordingly and the Writ Petition is disposed of.

24.06.2004

CC to

1)The Secretary, Housing Municipal Administration & Urban Development(G) Dept., Govt. of A.P., Hyderabad.

2)The Special Officer, Yemmiganur Municipality, Yemmiganur, Kurnool district.

3)Two CCs to G.P. for Municipal Admn. & Urban development, High Court Buildings, Hyderabad. (o.u.t.)

4)Two CD copies.

DRK/TVR